

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                 |   |                        |
|---------------------------------|---|------------------------|
| In re Application of            | § |                        |
|                                 | § |                        |
| Arieh Levy et al                | § |                        |
|                                 | § |                        |
| Serial No.: 10/607,103          | § |                        |
|                                 | § |                        |
| Filed: June 27, 2003            | § | Group Art Unit: 1638   |
|                                 | § |                        |
| For: CAROTENOIDS RICH           | § |                        |
| PAPRIKA CULTIVARS               | § |                        |
|                                 | § |                        |
| Examiner: Keith O'Neal Robinson | § | Attorney Docket: 25821 |
|                                 | § |                        |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION**

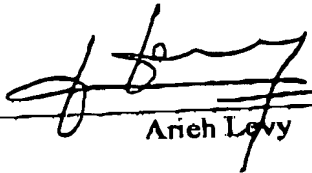
I, Arieh Levy declare as follows:

As evidenced by the attached receipt dated June 3, 2003, I sent for deposit to ATCC, 10001 University Boulevard, Manassas, Virginia 20110-2209, pursuant to the requirements of the Budapest Treaty, Paprika spice peppers capsicum annum seeds, Line 1056 and Line 1057, which received Patent Designation Numbers PTA-4157 and PTA-5148, respectively.

The above strains will be irrevocably, and without restriction or condition, released to the public upon the issuance of the patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Arieh Levy

Dated: October 11, 2005

Attachment: ATCC Form dated June 3, 2003

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Arieh Levy, Ph.D  
Department Genetics  
Agricultural Research Organization  
The Volcani Center  
PO BOX 6  
Bet Dagan 50250, Israel

**RECEIVED**

16 JUN 2003

FILE No. \_\_\_\_\_  
**G.E. EHRLICH (1995) LTD.**

Deposited on Behalf of: State of Israel- Ministry of Agriculture, Agricultural Research Organization,  
Volcani Center

#### Identification Reference by Depositor:

#### Patent Deposit Designation

|   |          |
|---|----------|
| Spice peppers (paprika)-Capsicum annuum seeds: Line #1056 | PTA-5147 |
| Spice peppers (paprika)-Capsicum annuum seeds: Line #1057 | PTA-5148 |

The seeds were accompanied by:    a scientific description a proposed taxonomic description indicated above. The seeds were received April 22, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:   X   We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested May 1, 2003. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 3, 2003

cc: Dr. Gal Ehrlich